

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

23-02639 BKOBJ03
BROCK & SCOTT, PLLC
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Attorneys for Wilmington Savings Fund Society, FSB,
not in its individual capacity but solely as trustee of
MFA 2021-NQM2 Trust

In Re:

Christian G Monne

Case No: 23-10870-JKS

Hearing Date: June 22, 2023

Judge: John K. Sherwood

Chapter: 13

**OBJECTION TO CONFIRMATION
OF DEBTOR'S MODIFIED CHAPTER 13 PLAN**

Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as trustee of MFA 2021-NQM2 Trust ("Creditor"), by and through its undersigned counsel, files this *Objection to Confirmation of Debtor's Modified Chapter 13 Plan* [DE 119], and states as follows:

1. The Debtor filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on February 1, 2023.
2. Creditor holds a security interest in the Debtor's real property located at 33 Graydon Terrace, Clifton, NJ 07013 (the "Property"), by virtue of a Mortgage.
3. The Debtor filed a Modified Chapter 13 Plan (the "Plan") on January 13, 2025 [DE 119].
4. Creditor filed a Proof of Claim in this case on April 12, 2023 (Claim No. 14).

5. Debtor's Plan provides for funding based on a potential refinance of the Property and proposes a deadline of six (6) months from Plan confirmation.

6. Creditor objects to any treatment of its claim whatsoever in the Modified Plan as the Debtor is in default of two previous Consent Orders entered by the Court and Creditor anticipates that it will have relief from the automatic stay in advance of confirmation.

7. Creditor objected to confirmation of the original Chapter 13 Plan filed on February 22, 2023.

8. Creditor and the Debtor resolved the objection via a Consent Order entered on June 23, 2023 providing for payment of Creditor's claim in full from a refinance of the Property to be completed within fourteen (14) months of confirmation and regular monthly mortgage payments to continue while the refinance was pending.

9. The Plan was confirmed on August 25, 2023.

10. The Debtor fell behind on regular monthly mortgage payments soon after confirmation, and Creditor filed a Motion for Relief on December 21, 2023.

11. Creditor and Debtor resolved the Motion for Relief via an Order entered by agreement on February 23, 2024 allowing for arrears from October 1, 2023 to January 1, 2024 totaling \$9,272.87 to be capitalized into the Debtor's plan payments.

12. Debtor filed a Modified Plan to pay the post-petition arrearage and to attempt to backdoor an extension of the previously agreed upon deadline to refinance on March 8, 2024 and the Parties entered into Consent Order entered on April 17, 2024 again reaffirming that the Debtor was to refinance the Property by October 25, 2024.

13. Debtor failed to refinance the Property within fourteen months of confirmation of confirmation of the original plan (October 25, 2024) as agreed and again fell behind on regular monthly mortgage payments, and the Creditor filed Certification of Default on December 11,

2024 to obtain relief from the stay.

14. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Creditor objects to any Plan that proposes to treat its claim in the bankruptcy.

WHEREFORE, Creditor respectfully requests the entry of an Order which denies confirmation of the Plan unless such plan is amended to overcome the objections of Creditor as stated herein, and for such other and further relief as the Court may deem just and proper.

/s/Matthew Fissel

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In Re:

CHRISTIAN G MONNE

Case No: 23-10870-JKS

Hearing Date: June 22, 2023

Judge: JOHN K.
SHERWOOD

Chapter: 13

CERTIFICATION OF SERVICE

1. I, Elizabeth Oliver:

☐ represent the _____ in the above-captioned matter.

☒ am the secretary/paralegal for BROCK & SCOTT, PLLC, who represents Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as trustee of MFA 2021-NQM2 Trust in the above captioned matter.

☐ am the _____ in the above case and am representing myself.

2. I sent a copy of the following pleadings and/or documents to the parties listed below:

OBJECTION TO CONFIRMATION OF DEBTOR'S MODIFIED
CHAPTER 13 PLAN

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: January 23, 2025

/s/ Elizabeth Oliver
Elizabeth Oliver

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
CHRISTIAN G MONNE 39 GRAYDON TERRACE CLIFTON, NJ 07013	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
JAMAL ROMERO SCURA, WIGFIELD, HEYER, STEVENS & CAMMAROTA, LLP 1599 HAMBURG TPKE WAYNE, NJ 07470	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004	Chapter 13 Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
U.S. Trustee Office of the US Trustee One Newark Center Ste 2100	US Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail

Newark, NJ 07102	<input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
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* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.